



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

Myron D. Rumeld
Member of the Firm
d 212.969.3021
f 212.969.2900
mrumeld@proskauer.com
www.proskauer.com

October 2, 2015

By ECF

The Honorable Katherine B. Forrest
United States District Court, Southern District of New York
500 Pearl Street, Room 1950
New York, NY 10007-1312

Re: Osberg v. Foot Locker, Inc., et al., 07-cv-01358 (KBF) (S.D.N.Y.)

Dear Judge Forrest:

We write seeking clarification of the Court's Opinion and Order dated September 29, 2015 (Dkt. 393). The Opinion directs the parties to submit briefing on prejudgment interest. (Op. at 83.) However, earlier in the opinion, the Court orders that "class members who have already retired . . . shall be entitled to receive the difference in value between the full value of the A plus B benefit to which they are entitled and the benefit they received; and . . . prejudgment interest at a rate of 6% per annum (because it would be treated as an unpaid account balance, which would be credited with interest at 6%)." (*Id.* at 82.) Given this ruling, we are unclear as to what issues the Court expects the parties to address, and request that the Court provide clarification.

We thank the Court for its assistance.

Respectfully submitted,

A handwritten signature in cursive script that reads "Myron D. Rumeld".

Myron D. Rumeld

cc: Eli Gottesdiener, Class Counsel, via ECF